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Attorneys for Fifth Third Mortgage Company

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re
SCHULTE PROPERTIES LLC,
Debtor.

Case No. 18-12734-mkn

Chapter 11

**DECLARATION OF EDDIE R. JIMENEZ
IN SUPPORT OF FIFTH THIRD
MORTGAGE COMPANY'S MOTION
FOR PROTECTIVE ORDER OR, IN THE
ALTERNATIVE, MOTION FOR
MODIFICATION OF SUBPOENA [FED.
R. CIV. PROC. 26(c); FED R. BANKR.
PROC. 7026; LBR 7037]**

I, Eddie Jimenez, declare:

1. I am over the age of 18 and am employed as a Supervising Partner by Aldridge Pite, LLP ("Aldridge Pite"), attorneys for Fifth Third Mortgage Company ("Fifth Third") in this proceeding. I am a member in good standing of the State Bar of Nevada. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, could and would competently testify thereto.

2 As part of my job responsibilities for Aldridge Pite, I have personal knowledge of and am familiar with the records maintained by Aldridge Pite in connection with this matter and

1 the procedures for creating those types of records. I have access to and have reviewed the books,
2 records, and files of Aldridge Pite that pertain to this matter.

3 3. The information in this declaration is taken from Aldridge Pite's business records
4 regarding this case. The records are: (a) made at or near the time of the occurrence of the matters
5 recorded by persons with personal knowledge of the information in the business record, or from
6 information transmitted by persons with personal knowledge; and (b) kept in the course of
7 Aldridge Pite's regularly conducted business activities. It is the regular practice of Aldridge Pite
8 to create and maintain such records.

9 4. Pursuant to Aldridge Pite's records, Debtor served *Requests for Production of*
10 *Documents* ("Discovery Requests") on Fifth Third.

11 5. Fifth Third responded to the Discovery Requests with hundreds of pages of
12 documents ("Discovery Responses"). Specifically, Fifth Third provided Debtor with copies of the
13 loan documents, filed claim, filed pleadings, payment histories, monthly statements, escrow
14 statements, and communications with the borrower. However, Fifth Third objected to several
15 requests as irrelevant, burdensome, overbroad, vague, proprietary, confidential, or subject to
16 privilege.

17 6. Debtor failed to meet and confer with Aldridge Pite regarding the Discovery
18 Responses, file a motion to compel seeking additional production, or request a ruling on Fifth
19 Third's objections to the Discovery Requests. In the meantime, the discovery period expired.

20 7. On May 28, 2021, the Debtor filed a *Notice of Issuance of Subpoena Duces Tecum*
21 ("Subpoena") requesting production of documents from Fifth Third. The Debtor seeks production
22 of the same documents Citi previously produced.

23 8. Following the issuance of the Subpoena, Aldridge Pite sent a Meet & Confer letter
24 to Debtor's counsel seeking to resolve the Subpoena and seeking clarification of any discoverable
25 documents Debtor believed Fifth Third failed to produce. To date, Aldridge Pite has yet to receive
26 a substantive response from the Debtor's counsel.

27 9. Aldridge Pite has incurred attorneys' fees and costs in responding to the discovery
28 dispute.

1 I declare under penalty of perjury under the law of the United States of America that the
2 foregoing is true and correct and that this declaration was executed at San Diego, CA on June 11,
3 2021.

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8 Dated: June 11, 2021

ALDRIDGE PITE, LLP

9 /s/ Eddie R. Jimenez
10 EDDIE R. JIMENEZ
11 Attorneys for Fifth Third Mortgage Company
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